

IN THE COURT OF COMMON PLEAS FOR LYCOMING COUNTY, PENNSYLVANIA
COMMONWEALTH

v.
KYLE T. BEATTY,
Defendant

:
: CR 484-2015
: OTN T625881-4
:
: CRIMINAL
:
: GUILTY PLEA WITHDRAWAL

FILED
LYCOMING COUNTY
2015 NOV 12 4:19
SUZANNE M. DEDELE
PROF. CLERK
CLERK OF COURTS

ORDER

AND NOW, this 12th day of November, 2015, following argument held on November 3, 2015 on Defendant's motion to withdraw his guilty plea, upon consideration of the arguments and briefing by counsel, it is ORDERED and DIRECTED that the motion is GRANTED.

Pa. R. Crim. P. 591 provides that "At any time before the imposition of sentence, the court may, in its discretion, permit, upon motion of the defendant, or direct, sua sponte, the withdrawal of a plea of guilty or nolo contendere and the substitution of a plea of not guilty." Withdrawals prior to sentencing should be liberally allowed. *See, Comment, Pa. R. Crim. P. 591, citing, Commonwealth v. Randolph*, 553 Pa. 224, 718 A.2d 1242 (1998); *Commonwealth v. Forbes*, 450 Pa. 185, 299 A.2d 268 (1973). Defendant seeks to withdraw his guilty plea and require the Commonwealth to prove its case against him because Defendant was unaware that his guilty plea would result in his being unable to lawfully possess firearms for the rest of his life. The withdrawal of the plea does not prejudice the Commonwealth.

It is further ORDERED and DIRECTED that this case is placed back on the trial list and is scheduled for pre-trial on December 8, 2015, and call of the list on **January 5, 2016 at 1:30 p.m.** in Courtroom No. 1.

Within 7 days from the date of this Order, Attorney John M. Arose is directed to file an entry of appearance. Upon receipt of this Order, **Defense counsel shall contact the Deputy Court Administrator, Eileen Dgien at (570) 327-6700** for further directions as to case management. For Rule 600 purposes, the time shall count against the Defendant.

By the Court,



Richard A. Gray, Judge

xc: CST; CA (ED); CC; APO; DA (2-KO / NI)
~~John~~ Aros, Esq., 3601 Vartan Way, 2nd Floor, Harrisburg, PA 17110